

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Accept Easements and Maps of Dedications in connection with the sale of city property to AI Arizona DC, LLC	STAFF PRESENTER: Linda Beals, Real Estate Coordinator CASE NUMBER: 17-550-00004, 00005 & 00007 OTHER PRESENTER: Troy Mortensen, RP PV VI LLC and RP PV V LLC
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PROPOSED ACTION:

1. Approve and accept the dedication of the Public Utility and Access Easement from RP PV VI LLC, a Delaware limited liability company, attached as Exhibit 1.
2. Approve and accept the Map of Dedication (MOD) of West Indian School Road – Parcel 2 from RP PV VI LLC, a Delaware limited liability company, attached as Exhibit 2, subject to the following stipulations:
 - a. Prior to recordation of the MOD, all references to the 10-foot PUE & LSE in the MOD shall be changed to 10-Foot PUE.
 - b. Prior to recordation of the MOD, the Public Utility and Access Easement from RP PV VI LLC, attached as Exhibit 1 and approved herein shall be recorded and the recording number (the MCR number) shall be inserted into the MOD.
3. Approve and accept the Map of Dedication of West Indian School Road – Parcel 1 from EPCOR Water Arizona, Inc., attached as Exhibit 3, subject to the following stipulations:
 - a. Prior to recordation of the MOD, the 10'PUE & LSE in the MOD shall be removed.
4. Approve and accept the dedication of the Public Utility and Access Easement from RP PV V LLC, a Delaware limited liability company, attached as Exhibit 4.
5. Approve and accept the dedication of the Temporary Drainage Easement from RP PV V LLC, a Delaware limited liability company, attached as Exhibit 5.
6. Approve and accept the Map of Dedication of North Cotton Lane from RP PV V LLC, a Delaware limited liability company, attached as Exhibit 6, subject to the following stipulations:
 - a. Prior to recordation of the MOD, all references to the 10-Foot PUE and LSE in the MOD shall be changed to 10-Foot PUE.

- b. Prior to recordation of the MOD, the Public Utility and Access Easement from RP PV V LLC, attached as Exhibit 5 and the Temporary Drainage Easement from RP PV V LLC, attached as Exhibit 6 shall be recorded and the recording number (MCR number) shall be inserted into the MOD.

BACKGROUND AND PREVIOUS ACTIONS:

The City entered into the following agreements related to the City's sale of approximately 40 acres of property located at the southwest corner of Indian School Road and Cotton Lane (the "City Property").

- Agreement for Sale and Purchase of Real Estate by and between AI Arizona DC, LLC, a Delaware limited liability company and the city of Goodyear. for the sale by the City to Aldi of a portion of the City Property per Resolution 17-1813, dated June 5, 2017 (the "City/Aldi Agreement")
- Agreement for Sale Purchase of Real Estate between RP PV VI LLC and the city of Goodyear, for the sale by the City to RP PV VI LLC of the remainder of the City Property as per Resolution 17-1813, dated June 5, 2017 (the "City/RPPV Agreement")

RP PV VI LLC ("Sunbelt") entered into a separate agreement with Aldi for property it owns to the west of the property the City is selling to Aldi (the "Sunbelt Property").

The City Property was rezoned on October 3, 2016 by the adoption of Ordinance No. 16-5905, which rezoned the City Property from Agricultural (AG) and General Commercial (C-2) to Light Industrial (I-1). The Sunbelt Property was rezoned on March 27, 2017 by the adoption of Ordinance No. 17-1346, which rezoned the Sunbelt Property to PV303 Planned Area Development (PAD).

The dedications being presented are related to Aldi's acquisition of a portion of the City Property, Aldi's acquisition of the Sunbelt Property, Sunbelt's acquisition of the remainder of the City Property.

STAFF ANALYSIS:

Under the terms of the City/Aldi Agreement, Sunbelt is required to prepare all documents necessary that will create one lot from the property Aldi is acquiring from the City and from Sunbelt. To that end, Sunbelt has submitted or will submit applications for three minor land divisions. One that divides the Sunbelt Property and creates the lot Aldi is purchasing from Sunbelt and one that divides the City Property into the lot Aldi is purchasing under the City/Aldi Agreement and the lot Sunbelt is purchasing from the City under the City/RPPV Agreement. The minor land divisions cannot be finalized and recorded, nor can the civil engineering plans for the off-site improvements that Sunbelt is required to construct be approved until the Maps of Dedications, the Public Utility Easements and the Temporary Drainage Easement being presented herein have been approved, accepted and recorded.

The proposed road alignments established with these Maps of Dedication are consistent with the Transportation Master Plan and PV303 PAD. The public road and City utilities will be accepted by the city of Goodyear after satisfactory completion of the improvements and warranty period. The Engineering Department has reviewed and approved the legal Descriptions for the Public Utilities and Access Easements, the Temporary Drainage Easement, and the right-of-way dedications in the Maps of Dedication.

FISCAL ANALYSIS:

The dedications in the Maps of Dedications, the Public Utility Easements and the Temporary Drainage Easement being presented herein will be at no cost to the city of Goodyear. The City will be responsible for the maintenance of the roadways upon acceptance of the constructed improvements.

RECOMMENDATION:

Staff recommends approval of the Maps of Dedication, the Public Utilities and Access Easements, and the Temporary Drainage Easement. The approval of these documents is needed to facilitate the completion of sales transactions contemplated in the City/Aldi Agreement and the City/RPPV Agreement previously approved by council and will assist in the development of the infrastructure to the property within and adjacent to the City Property and the Sunbelt Property.

ATTACHMENTS:

- Exhibit 1 - Public Utility and Access Easement - RP PV VI
- Exhibit 2 - Map of Dedication of W. Indian School Road – Parcel 2 - RP PV VI
- Exhibit 3 - Map of Dedication of W. Indian School Road – Parcel 1 – EPCOR
- Exhibit 4 - Public Utility and Access Easement – RP PV V
- Exhibit 5 - Temporary Drainage Easement – RP PV V
- Exhibit 6 - Map of Dedication of North Cotton Lane – RP PV V